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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,426	07/11/2001	Stephen L. Galbraith	043210-1395-00	8933

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MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

EXAMINER

BREVARD, MAERENA W

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary	Application No.	Applicant(s)	
	09/903,426	GALBRAITH ET AL.	
	Examiner	Art Unit	
	Maerena W. Brevard	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-10, 12, 13, 15, 16, 19, 22-30, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 23 is/are allowed.
- 6) ☒ Claim(s) 1, 8-10, 12, 13, 15, 16, 22, 24, 25, 28-30, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 2-6, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by LaRochelle.

LaRochelle discloses a motorcycle saddlebag (19) comprising a lid and body comprised of chrome plating (Column 2, line 7) and constructed of an ABS/polycarbonate blend.

3. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Niemi et al.

Niemi discloses a saddlebag comprising an injection-molded body (20), a gasket (44), a lid having a lip (46) movably mounted to the body (Column 3, lines 24-28), and the lid lip is manufactured separately from the rest of the lid, to the same degree claimed.

4. Claims 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Brissette.

Brissette discloses a method capable of opening a saddlebag having a lid, a body, and a hinge assembly, the method comprises the axis at a first position, then opening the lid to a partially open position, moving the axis from the first position toward the second position, while the axis is moving toward the second position, opening the lid fully, and including a biasing member between the lid and body for biasing the lid toward the partially and fully open positions (Column 6, lines 28-41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 8-10, 22, 24, 28-30, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaRochelle in view of Lanzani.

Regarding claims 1, 29, 30, 33, and 34, LaRochelle discloses a motorcycle saddlebag comprising a body (19), a lid (26), and a hinge assembly (27), but does not teach the hinge assembly completely enclosed within the cavity. However, Lanzani teaches a hinge assembly (5) completely enclosed within the cavity and including a first mounting member mounted to the inner surface of the body, a second mounting member mounted to the inner surface of the lid, a coupling assembly pivotally coupling the first and second mounting members, wherein the lid and body engage each other in a joining perimeter (Figure 5), and wherein the coupling assembly guides the lid through substantially vertical translatory motion (Figure 5 to Figure 4) and then pivots the lid about a substantially horizontal axis of rotation (Figure 4 to Figure 2). It would have been obvious to replace the hinge assembly of LaRochelle with the hinge assembly of Lanzani. Doing so would provide a hinge assembly capable of adjusting the positions of the lid.

Regarding claim 8, the lid and body each have a lip, to the same degree claimed.

Regarding claims 9 and 10, the coupling assembly includes a pivot axis (Figure 2) wherein the pivot axis is moved closer to the hinge assembly as the lid is moved toward the open position.

Regarding claims 22, 24, and 28, the method of opening the saddlebag is inherent with the use of the modified saddlebag of LaRochelle.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi et al. in view of Lanzani.

Niemi discloses all of the limitations of claim 13 as disclosed in paragraph 3 above, but does not teach a hinge assembly configured to move the lid in a substantially translational manner away from the body. However, Lanzani teaches a hinge assembly configured to move the lid in a substantially translational manner away from the body (Figures 5 to 4). It would have been obvious to replace the hinge assembly of Niemi with the hinge assembly of Lanzani. Doing so would provide a hinge assembly capable of adjusting the positions of the lid.

Regarding claim 16, the hinge assembly has a pivot axis (Figure 2) and a mechanism for moving the axis during opening and closing.

Allowable Subject Matter

8. Claims 2-6, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 19 and 23 are allowed.

Conclusion

10. **This action is non-final.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maerena W. Brevard whose telephone number is 703/305-0037. The examiner can normally be reached on M-Th; 8:00 AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703/308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9302 for regular communications and 703/872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-0037.

MB
Maerena Brevard
May 29, 2003

Lee Young
LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700